1914-15
Courts

File No - 154 - 14
Sl No 1 - 2

Memorial of Mr M.L. Sorkanteshwargowda Municipality, praying for the decision of the order suspending him for Restoration to his proper place

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G. R. S. 58]

Previous references.

Cs 332-05 (1-8).
– 27-09 (6-7)
– 327-11-(1-2)
– 103-12 (1-8)
~~Later references.~~
– 256-13 (1-3)

1914.15

(Courts)

File No. 154 – 14

Serial Nos. 1—2

Preserve 25/8/16

In seal cover

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—2

Part B for June 1915.

SUBJECT.

Memorial of Mr. M. Srikanteshwara Gowda, Munsiff, praying for the revision of the orders superseding him & for restoration to his proper place.

2) To the Regr. Chief Cs J 39570 15 5 15

Intimate that His Highness the Maharajah has declined to interfere with the orders already passed.

GPB—10,000—23-3-15

M. Shivaraj

18 6 15.

3314 1609

G.R.S. 11] 1914-15

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 1574 of 1914

FILE HEADING.

Memorial of Mr M. L. Srikantha Gowda, Munsiff, praying for the revision of the orders superseding him and for restoration to his proper place

From

The Registrar, Chief Court

No. 2196/142 Dated 14/12.11.1914 Received 18.11.1914

Diary No.	Enclos. 2 Spare Copies.	Serial No. 1
J 1609	1 Memorandum	

BRIEF ABSTRACT OF LETTER.

Forwards the memorial and states that Mr Srikantha Gowda's first memorial was ordered to be kept by as the revision of the Munsiffs' cadre was then under contemplation and that the same was ordered to be filed as Mr Srikantha Gowda was promoted to the 2nd grade in the revision

NOTES AND ORDERS.

Subo with previous refce. Mr Srikantha Gowda's memorial against the first supersession was rejected.

J
Cs 327-11-2
Reg. 116
30.XI.14

2) as regards Mr Sankaralinga Gowda's memorial about his supersession by Mr Lakshminarayappa,

NOTES—First Sheet.

GPB—30,000—12-8-11

1609

(2

G. R. S. 12]

General and Revenue Secretariat.

File No. 152 of 1914

Serial No.

the Government have already considered the petrs memorial and have found no good grounds to reconsider their order.

3) The only new order that now affects him is the order reducing him from 2d to the 3d class pensions. The Government in their order have considered the case in all its material aspects, and no fresh ground has been urged by the Petitioners as grounds to necessitate further enquiry. If approved, a draft wording will be submitted

EB 1/12/14

Asst Member)

4) A draft that Govt see no reason to reconsider the question may be put up & submitted to His Highness before issue.

4/12/14

5) Please put up draft.

EB 8/12/14

6. Sub with a draft.

KG. 116

8/12/14

EB 9/12/14

Asst Member)

12/12/14

EB 14/12/14

NOTE—Contn. sheet.

3314

15-12-14

GPB—25,000—2-11-14

Dewan.

(3

Submitted to His Highness.

W Encl 6 Sel

Z

Cs 236-13-2

6) I submit for orders a memorial addressed to His Highness by Mr. M.L. Srikantesa Gowda, B.A., B.L., Munsiff of Maddagiri praying for a reconsideration of the Government order in which he was reduced and his promotion was ordered to be stopped for a time.

7) 2. The order referred to was passed on the recommendation of the Chief Court and after a careful consideration of the question in Council. I agree with the First Member of Council that there is no reason for a modification of the order.

Page 2 of office note

8) 3. If approved, Mr. Srikantesa Gowda will be informed accordingly.

M V Krishnaraya
21st Feb 1913

(4

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Memorial of Mr. M. L. Sreekantesa Gowda, Munsiff of Maddagiri, praying for a reconsideration of the Government order superseding and reducing him

791
9) Returned with DO No. 139 dated 25.2.15.

27/5
4.6.15.

Order.

D. O. No. 2399

The Palace, Bangalore

25th February 1915.

DO No. 139.
With file

My dear Sir,

10) I am directed to return file No.3523 dated 21st February 1915 and to say that His Highness agrees with you and the Council that Mr.Srikantesvara Gowda's case calls for no interference.

His Highness observes that the draft order proposed to be issued in the case emanates from Government, but as Mr.Srikantesvaragowda has memorialised His Highness it would be more in order to say in the Government Order that His Highness declines to interfere.

Yours sincerely,

R K Laurie

Secretary
11) for author
26.2.15.

PEF Please let me have a draft letter according to the Req. chief ct

AS/III 27/2

M.Visvesvaraya Esq., C.I.E.,
Dewan of Mysore,
Bangalore.

6

PRIVATE SECRETARY TO THE DEWAN · MYSORE ·

C.S. to the weekly Diary 1915

Mysore, 7/5/15

7th May 1915.

Dear Mr. Narasinga Rao

14) With reference to the accompanying file about Mr. M.L.Srikantesa Gowda, the Dewan desires that my D.O. letter of the 30th March 1915 and the draft reply to Mr. Campbell passed in Council (but now ordered not to issue) may both be placed in a sealed cover in the ~~file~~ file before the file is passed on to the office.

Yours sincerely,

S Srinivasa Rao

D.M. Narasinga Rao Esqr., B.A., B.L.

R. S. 12.

General and Revenue Secretariat.

(6.)

C/o File No. 154 of 1914-15

Serial No.

15) A revised draft in accordance with the letter of the 25th Feb. 15 from the Private Secy. to H. H. is put up herewith for favour of approval

Subs to ors. V

(R. P.)
11/5/15

S. P. Thumbe

11/5/15

GPB—65,000—17-6-12.

1609

(7

R. S. 12]

General and Revenue Secretariat. | Jg File No. 154 of 1914.

Serial No.	
	Draft appd: by First member 12.5.15. mJS
	(6) Issue 13/5 13/5
2	To The Registrar, Chief court. No g. 3951 dt 15-5-15. Intimates that His Highness the Maharaj has declined to interfere with the orders already passed.

NOTE—Contn. sheet.

GPB—25,000—2-11-14

No: 2196/142 Enclosed file

8

CHIEF COURT OF MYSORE,

Bangalore, dated the 14th November 1914.

17th DIARY No. J1609

From

N. T. Gopaliengar, Esq., B.A., LL. B.,
Registrar of the Chief Court of Mysore.

14-1915
CS
FILED 154 Q-Coll
SERIAL No. 1

To

D. M. Narasinga Rao, Esq., B.A., B.L.,
Offg Secretary to the Government of Mysore,
General and Revenue Departments.

S i r ,

I am directed to forward, herewith, the memorial W Encl 6 Nos of Mr. M.L. Sreekantesa Gouda, Munisff of Maddagiri, addressed to His Highness the Maharaja with its enclosures, and to state V that his first memorial dated 9th October 1912 was ordered to be kept by, by the Acting Chief Judge, as the revision of the Munsiffs' grades was then under contemplation. Mr. M.L. Sreekantesa Gouda having been promoted to the 2nd grade with effect from 1st November 1912, as per revised rules of 6th January 1913, his memorial was ordered to be filed on 15th January 1913 U 158-12-1

I have the honor to be,

S i r ,

Your most obedient servant,

N. Gopaliengar

REGISTRAR.

H.C.C.

(9

Encl to 08
154-14-1

To,

H I S H I G H N E S S

Sri Krishnaraja Wadayar Bahadur, G.C.S.I.,

Maharaja of Mysore.

The humble memorial of the undersigned

Most Respectfully sheweth:-

That the humble memorialist has been serving in the Judicial Department, as permanant Munsiff since 8th July 1898.

That the humble memorialist has submitted a memorial to Your Highness' gracious consideration as Munsiff of Shimoga with his official No. 134 dated 9-10-1912 through the District Judge of Shimoga.

That the humble memorialist has not received any order as yet, and that in continuation of this memorial, a copy of which is enclosed, the humble memorialist submitsthis further memorial, as the Government on a reference from the Chief -- Court, has passed an order No. J 3152-3 cto/236-13-2 dated 8th May 1914, further prejudicially his interests and prospects.

That the humble memorialist had to see that the prestige of his office duly maintained and the rights and privilege conferred on him by the Civil Courts,Regulation not infringed upon, and that the honourable Chief Court has upheld his views by its Proceedings No. 1819/97 dated 3rd and 4th November 1913 and No. 1820/98 dated 3rd and 4th November 1913, but finding that the language used by the memorialist in his correspondance was somewhat objectionable, he was ordered to tender an apology to the District Judge.

That

That the humble memorialist tendered his apology in due form and this was accepted by the District Judge and the matter had been droped, but the Chief Court in his letter to the Government has observed that the apology tendered by him was half hearted and that that there was some delay. The Memorialist submits that this little delay was entirely due to the circumstance that the Proceedings ordering him to tender the apology was not communicated to him in due form and that he had to be waiting for a reply to his No. 181 dated 13th November 1913 to the District Judge of Shimoga and that the entire Proceedings in question was communicated to him after he tendered his apology.

That the humble memorialist had applied in due form for four days casual leave and that it was pointed out to him that his application did not disclose the necessity for the leave and that he further submitted another petition disclosing the necessity for the leave and as there was no time to wait for a reply he had to leave the station in anticipation of sanction and he subsequently furnished a satisfactory explanation for having done so. That the whole matter having been brought to the notice of the Chief Court, the honourable Chief Court condoned the absence by sanctioning the leave and warning the memorialist not to repeat such a thing and the matter had been droped till the next point was taken up.

That the humble memorialist decided a case, O.S. No. 255 pf 1912-13 on the file of the Munsiff of Shimoga, which was transferred to his file from the file of the Munsiff of Chickmagaloor. In deciding this case, he had to make some remarks against the Munsiff Mr. Lakshmi Narasimha Iyengar who had handled the case before and that these are based entirely on the materials to be found in the record placed before him. The Munsiff of Chickmagaloor had squeezed into the deposition

(11)

deposition of the defendant a statement recorded by him of the plaintiff which of ~~canarese~~ Canarese did not tally with the context. This statement was impugned at the bar to be a false and fabricated one and as only the English portion of it was exhibited and the attention of the memorialist was not drawn to the canarese copy of it, the memorialist had no means of discovering the mistake committed by the Munsiff of Chickmagaloor. Ordinarily when a witnessis recalled and examined, the fact that he had been recalled is noted by the Judge and that it is not right on principle to squeeze in his statement, in the deposition already recorded. Had the Munsiff of Chikmagaloor taken this precaution Your memorialist would not have committed the mistake which has been so severely noticed. The humble memorialist bore no ill will towards the Munsiff and bona fide accepted the argument advanced at the Bar which admittedly -- was contributed to by want of proper care and caution on the part of the Munsiff of Chickmagaloor in recording evidence.

The humble memorialist begs to bring to the gracious notice of Your Highness that by the two orders of the Government mentioned above his prospects in service have been seriously affected. The first deprived him of the promotion which would have been due to him to the grade of Subordinate Judge by placing Mr. Lakshminaranappa above him and the second reduced him to the last in the next lower grade. The humble memorialist begs to submit that even if it is held that the memorialist was indiscreet in the choice of expressions employed in criticising the conduct of the Munsiff of Chickmagaloor, which under the circumstances of the case was not irrelevant to the enquiry, the punishment meted out to him is unduly severe. The humble memorialist had not the explanation of the Munsiff of Chickmagalore before him when he wrote the judgment and when his explanation was accepted by the Chief -- Court, the humble memorialist would have expunged the erroneous

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erroneous sentence from his judgment or would have tendered an apology to the Munsiff of Chickmagalore if it was held that the latter had not contributed towards the mistake which the humble memorialist fell into in the bona fide discharge of his duties. The memorialist's copy of last explanation to the -- Chief Court in connection with this judgment has been submitted as an enclosure.

The humble memorialist prays that Your Highness may be graciously pleased to take his hard case into Your Highness' gracious consideration and revise the two orders of the Government mentioned above and restore him to the rank which he -- would have occupied but for these orders, for which ef act of kindness and justice, the humble memorialist will for ever -- pray for Your Highness' long life and prosperity.

The humble memorialist begs to remain,
Your Highness' most obedient and loyal
subject and servant,

M. L. Srikantaiah Gurumurthy
Graduate

Dated 29th October 1914

With enclosures two.

(13)

HIS HIGHNESS SRI KRISHNARAJA WADAYAR BAHADUR, G.C.S.I.,

MAHARAJA OF MYSORE.

The humble memorial of M.L. Srikantesha Gowda, Munsiff of Shimoga.

MOST RESPECTFULLY SHOWETH:

That the humble memorialist belongs to an important family of Gangadikar Vakkaligar community and that for generations past, his ancestors have held important places in the State.

That the humble memorialist passed the B.L.degree examination in 1893 and after practice of 5 years at the Bar, entered the Government service as a permanent Munsiff in 1898. He received his due promotions and was appointed Munsiff of the Second Grade in 1906, under Government Notification No.1384/Cts.332-05-2 dated 21st November 1906,

along

along with the late Mr. D'Cruz. This promotion was given to him in recognition of his services in the late Dodballapur Munsiff's Court, creating a special supernumerary appointment in that grade.

That the humble memorialist has also served as Officer in charge of the District Treasury in Hassan and Chitaldrug Districts and as Vice President of Chitaldrug Municipality while he was Munsiff in those places, in addition to his work as Munsiff, and has been a First Class Magistrate.

The humble memorialist was the senior in the second grade when a vacancy occurred in the first grade, by the death of Mr. D'Cruz, and he expected that in due course, he would be promoted to that grade. He put in his application, No.125 dated 16th October 1911, to the Chief Court, urging his claim for promotion and requesting the Honourable Judges of the Chief Court to recommend him to the Government for the same, but they were not pleased to favour him with a reply. On the other hand, the claims of your memorialist were overlooked and Mr.K. Lakshminarayanayya, B.A., Additional Munsiff of Mysore,

who

who was his junior in the second grade, was promoted to the first grade, in Government Notification No.J.32993/ Cts.103-11-2 dated 10th May 1912.

The humble memorialist then submitted a memorial to the Government through the District Judge of Shimoga and the Registrar of the Chief Court, urging his claims to his promotion and requesting to be restored to his proper place, but the Government in their proceedings No.J.771/ Cts.327-11-2 dated Bangalore, 10th September 1912, disposed of his memorial by simply stating that it was 'recorded'

The humble memorialist most respectfully begs to submit that he is not aware up till now of the reason for his supersession. He believes he has given satisfaction in the discharge of his duties. At least he has not been able to perceive any sign of the dissatisfaction of his work in any of the appellate judgments or in any of the proceedings of the Chief Court. If there was anything in the confidential reports that was stated against him, the humble memorialist submits that it should have been communicated to him under the provisions of Government

Order

Order No.G.1694-734 — G.M.128-09-1 dated 16th September 1909. No such communication has ever been made to him except the one dated 9th January 1912, copy of which is submitted in a closed cover. About six months before the permanent vacancy took place, there was a temporary vacancy in the first grade caused by the appointment of Mr. N.T. Gopala Iyengar as acting Sub-Judge, and the memorialist was promoted to the first grade in Government Notification No.563/Cts.27-09-7 dated 17th August 1910. The humble memorialist most respectfully begs to submit that this might be taken as proof positive of the fact that his work was not regarded as unsatisfactory, or at least disentitling him to the promotion to the higher grade. Your memorialist is not aware of having done any bad work during the intervening period. When this temporary promotion was given the memorialist was at Kolar, to which place he was transferred from Bangalore after only a stay of 13 months. From Kolar he has been transferred to Shimoga after a service there of only a year and seven months. At Shimoga, he has worked hard and in

spite

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spite of the increasing file of this Court, he has reduced his pending file to a considerable extent.

As regards the remark in the confidential D.O., copy of which is submitted, the humble memorialist most respectfully begs to submit that there are very few officers in the Judicial Department, even of a higher grade, against whom such remarks have not been passed and he begs leave to state that upon the strength of such remarks alone, the prospects of any officer due to seniority and service, has been affected thereby. The humble memorialist has been doing his work to the best of his ability and now that the opinion of the Chief Court has been communicated to him, he would try to earn their good opinion as far as it lies in his power.

The humble memorialist prays that Your Highness may be pleased to take his case into kind consideration, the order passed by the Government superseding his claims may kindly be ~~raised~~ framed and that your humble memorialist may be restored to his place by at least creating an extra appointment in the grade and treating Mr. K.Lakshminarayanayya as supernumerary, for which act of kindness and justice

the

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the humble memorialist will for ever pray for Your Highness' long life and prosperity.

The humble memorialist begs to remain,

Your Highness' most obedient and loyal subject and servant,

Signed M. L. Ericsterlong
Munsiff
Shimoga

Shimoga,
Dated 9th October
1912.

Enclosure-1.

Duplicate copy of memorial
Submitted through the District
Judge of Shimoga with Shimoga
Munsiff's No 134 dated 9th October 1912
M. L. Ericsterlong

(19

No. 357
En. 1 and one record.

To,

The District Judge,

S h i m o g a.

Dated. 18-3-1914.

With reference to your No. 1947/830 dated 16th March 1914, which I received on 17th instant forwarding copy of -- Chief Court Proceedings No. 3664-1767 dated 13th March 1914 and its enclosure and record for my explanation, I have the honor to submit as follows:-

The Munsiff of Chickmagaloor Mr. N.G. Lakshmi Narasimha Iyengar has gone in for reviewing my judgment and critisizing it and the manner in which the case was conducted before me by the advocates engaged in this case. He is not entitled to do so but as he seems to have done this thinking that he had to put in some sort of defence on his behalf, I do not -- take into consideration what he has said about me and I leave my judgment and his letter to speak for themselves. As I do not think that I am called upon to meet his argument on every one of the points touched upon by him, I confine my explanation to only two points as noted below and if it is found -- necessary that I have to explain any other matter, I might be asked to do so.

O.S. No. 255/12-13 of i.e. which I have delivered my judgment was transferred to my Court from Chikmagaloor Munsiff's Court for trial at the instance of the plaintiff and I tried the only issue raised in the case and delivered judgment In doing so I had not the least idea of animadverting on the conduct of another Munsiff and I had no motive of any kind to do so and if this had been the case, I would certainly have

have adopted the course suggested by the Chief Court in its proceedings. What I have said is based entirely on the -- materials placed before me and in my humble opinion it was -- absolutely necessary to have said so.

The two points for explanation:-

1. Para 20 of my judgment regarding what is said about exh Exhibit V.
2. Para 22 and not 23 of my judgment as to how the plaintiff was treated when his case was pending at Chickmagaloor.

(1) In this case the plaintiff examined ~~for~~ four witnesses and Exhibits A and B were filed on his behalf. The defendant examined ~~new~~ none and as he was said to be sick and could not appear before me to give evidence Exhibit V was put in as his statement before the Munsiff of Chickmagaloor. It was absolutely necessary for me to consider what sort of statement this was. For reasons to be found in para 19 of my judgment it cannot be accepted as a reliable document. The last four lines are -- evidently screwed in after the remaining portion of the statement was recorded and read over. The contents also showed -- that it could not be the statement of the defendant. As such, I could not accept it as a genuine document and place any -- reliance thereon.

Mr. N.G. Lakshmi Narasimha Iyengar says in his letter that he made a mistake in writing the last four lines in this statement which he ought to have written in plaintiff's statement and in support of this he wants Ex.V to be compared with another statement of the defendant recorded in Canarese. This Canarese statement was not exhibited before me. As a judicial Officer I cannot travel beyond the documents placed before me and judicially compare Ex. V with the other statements not --

not exhibited. If I attempted doing so I would have acted illegally and as a Munsiff who has put in about 15 years service I could not be expected to commit such a blunder as Mr. N.G. Lakshmi Narasimha Iyengar wants that I might have done. If he committed a mistake in recording Ex. V as it is found to be by me I have only to express my regret at it. Under the circumstances I had to hold that Ex. V was not genuine and realiable as it is as bad as a forged document.

(2) Regarding the second point also my remark is also warranted and in my humble opinion it was absolutely necessary On behalf of the defendant Ex.II was put in as containing the statement of the plaintiff before the Munsiff of Chickmagaloor The plaintiff in his evidence before me explained the circumstances under which his statement Exhibit II was recorded and contended that he was in distress of mind when he made that statement and explained how he was treated when his case was pending before the Munsiff of Chickmagaloor. His evidence stands unrebutted and I was impressed with the evidence adduced by him. First witness Soora Sastry stated that he avoided going before the Munsiff of Chickmagaloor though he had been served for fear of prosecution. The plaintiff's advocate has to dispense with the evidence of another important witness Narayan Bhatta who had been served but who was represented to have avoided to appear before the Court on account of the fear of prosecution created in his mind. I had to take into consideration the difficulty which the plaintiff had to overcome in securing evidence and the value to be attached to the oral evidence placed before me as is mentioned in para 23 or 24 of my judgment. Under these circumstances I was forced to express my view on the subject, which I have done in para 22 of my judgment.

In my humble opinion expression of views on the above

(22)

above noted two points was made judicially and in the due and bona-fide discharge of my duty as a judge. I was bound to give expressions of my views and advance reasons in support thereof in an independent manner. I think I would have been open to the charge of want of judicial independance if I shirked responsbility in this matter.

The enclosure and record has been returned.

I have the honor to be ,

Sir,

Your Most obedient servant,

Rajnarayan Mukherjee Chandra

True Copy.

Rajnarayan Mukherjee Chandra

1215 a/b

Memorial of Mr. M-L: Srikantesa Gowda, Munsiff praying for revision of orders superseding & reducing him.

(23)

G.R.S. 28]

Revised draft

Cs

File No. 154-14

Serial No. 2.

*Diary No. of letter replied to*_____

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.

( )

, *the* 191 .

READ—

Letter no 2196/142 dated the 14th Nov. 1914 from the Registrar, Chief Court, forwarding a memorial, addressed to

Date of issue 15/5/1915.

Signed by Am G. Srinivasa Iyr

~~ORDER THEREON—No.~~

H. H. the Maharaja, from Mr. M. L. Sreekantesa Gowda, Munsiff of Maddagiri, praying for a revision of the orders superseding and reducing him

over.

SUBJECT.

GPB—50,000—1-12-12

WLC 13/5/15

Order thereon, No:-J 3951.

Mr. Sreekantesa Gowda may be informed that His Highness the Maharaja ~~of Mysore~~ has declined to interfere with the orders already passed.

In Off. Secy to Govt
11/5/15

The Registrar, Chief Court. 12/5/15